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**TRANSMITTAL  
FORM**

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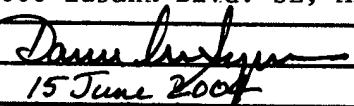
Total Number of Pages in This Submission

Application Number	10/773,343
Filing Date	February 6, 2004
First Named Inventor	Paul R. Sharps et al.
Art Unit	1753
Examiner Name	Unknown
Attorney Docket Number	1002X

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Preliminary Amendment
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Daniel McGlynn (Reg. No. 26,570) 1600 Eubank Blvd. SE, Albuquerque, NM 87123
Signature	
Date	15 June 2004

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name			
Signature		Date	

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JUN 18 2004



# 3

## FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)**1078**

Complete if Known	
Application Number	10/773,343
Filing Date	6 Feb. 2004
First Named Inventor	Paul R. Sharps et al.
Examiner Name	
Art Unit	1753
Attorney Docket No.	1002X

**METHOD OF PAYMENT (check all that apply)**

Check  Credit card  Money Order  Other  None

**2 Deposit Account:**

Deposit Account Number	503029
Deposit Account Name	Emcore Corporation

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1001	2001	770	385			Utility filing fee	
1002	2002	340	170			Design filing fee	
1003	2003	530	265			Plant filing fee	
1004	2004	770	385			Reissue filing fee	
1005	2005	160	80			Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b>							

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
36	-20** =		36	x 18 =	648
8	-3** =		5	x 86 =	430

Large Entity	Small Entity	Fee Code (\$)	Fee (\$)	Fee Description
1202	2202	18	9	Claims in excess of 20
1201	2201	86	43	Independent claims in excess of 3
1203	2203	290	145	Multiple dependent claim, if not paid
1204	2204	86	43	** Reissue independent claims over original patent
1205	2205	18	9	** Reissue claims in excess of 20 and over original patent
<b>SUBTOTAL (2) (\$)</b>				1078

\*\*For number previously paid, if greater; For Reissues, see above

**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
1051	2051	130	65	Surcharge - late filing fee or oath	
1052	2052	50	25	Surcharge - late provisional filing fee or cover sheet	
1053	1053	130	130	Non-English specification	
1812	1812	2,520	2,520	For filing a request for ex parte reexamination	
1804	1804	920*	920*	Requesting publication of SIR prior to Examiner action	
1805	1805	1,840*	1,840*	Requesting publication of SIR after Examiner action	
1251	2251	110	55	Extension for reply within first month	
1252	2252	420	210	Extension for reply within second month	
1253	2253	950	475	Extension for reply within third month	
1254	2254	1,480	740	Extension for reply within fourth month	
1255	2255	2,010	1,005	Extension for reply within fifth month	
1401	2401	330	165	Notice of Appeal	
1402	2402	330	165	Filing a brief in support of an appeal	
1403	2403	290	145	Request for oral hearing	
1451	1451	1,510	1,510	Petition to institute a public use proceeding	
1452	2452	110	55	Petition to revive - unavoidable	
1453	2453	1,330	665	Petition to revive - unintentional	
1501	2501	1,330	665	Utility issue fee (or reissue)	
1502	2502	480	240	Design issue fee	
1503	2503	640	320	Plant issue fee	
1480	1480	130	130	Petitions to the Commissioner	
1807	1807	50	50	Processing fee under 37 CFR 1.17(q)	
1806	1806	180	180	Submission of Information Disclosure Stmt	
8021	8021	40	40	Recording each patent assignment per property (times number of properties)	
1809	2809	770	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	2810	770	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	2801	770	385	Request for Continued Examination (RCE)	
1802	1802	900	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$)**

(Complete if applicable)				
Name (Print/Type)	Daniel McGlynn		Registration No. (Attorney/Agent)	26,570
Signature			Date	15 June 2004

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## UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/773,343  
Applicant : Paul R. Sharps et al.  
Filed : February 6, 2004  
Art Unit : 1753  
Examiner : Unknown

Docket No. : 1002X  
Customer No. : 041170

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

### **PRELIMINARY AMENDMENT**

Sir:

Please amend the above-identified application as indicated below in this second Preliminary Amendment as set forth below.

**Amendments to the Specification begin on page 2 of this paper.**

**Amendments to the Claims are reflected in the listing of claims, which begin on page 4 of this paper.**

**16**  
**Remarks/Arguments begin on page 5 of this paper.**

06/22/2004 BSAYASI1 00000045 503029 10773343

01 FC:1201 430.00 DA  
02 FC:1202 648.00 DA